

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

Eugene Dewayne Green)	
)	C/A No. 8:06-3006-GRA-BHH
Plaintiff,)	
)	
v.)	ORDER
)	(Written Opinion)
Anthony Padula, Warden Lee)	
Correctional Institution; Captain Arenda)	
Thomas; Lieutenant Johnathan)	
Goodmon; Lieutenant Anthony Davis;)	
Corinne Hill, Director of Nursing;)	
Paul Mack; Correctional Officer;)	
Thomasine Waters, Licensed)	
Practical Nurse;)	
and Sergeant Thomas Commander)	
)	
Defendants.)	

This matter is before the Court for a review of the magistrate's Report and Recommendation made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02(B)(2)(e), D.S.C., and filed on July 30, 2007. Plaintiff filed this action on October 23, 2006, pursuant to 42 U.S.C. § 1983. Defendants filed a motion for summary judgment on February 26, 2007. Plaintiff was advised of the summary judgment procedure and the consequences of failing to respond on February 27, 2007. On April 4, 2007, the plaintiff filed a response and on April 16, 2007, the defendants filed a reply. The magistrate recommends that this Court grant Defendants' Motion for Summary Judgment.

Plaintiff brings this claim *pro se*. This Court is required to construe *pro se* pleadings liberally. Such pleadings are held to a less stringent standard than those drafted by attorneys. *Gordon v. Leeke*, 574 F.2d 1147, 1151 (4th Cir. 1978). This Court is charged with liberally construing a pleading filed by a *pro se* litigant to allow for the development of a potentially meritorious claim. *Boag v. MacDougall*, 454 U.S. 364, 365 (1982).

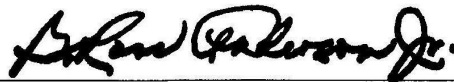
The magistrate makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). This Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and this Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). This Court may also "receive further evidence or recommit the matter to the magistrate with instructions." *Id.*

In the absence of objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Objections to the Report and Recommendation have not been filed.

After a review of the magistrate's Report and Recommendation, this Court finds that the report is based upon the proper law. Accordingly, the Report and Recommendation is accepted and adopted in its entirety.

IT IS THEREFORE ORDERED that Defendants' Motion for Summary Judgment be GRANTED.

IT IS SO ORDERED.



G. ROSS ANDERSON, JR.
UNITED STATES DISTRICT JUDGE

August 29, 2007
Anderson, South Carolina

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this Order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure. Failure to meet this deadline, as modified within Rule 4, will waive the right to appeal.